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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	:	Chapter 11
	:	
DELPHI CORPORATION, <u>et al.</u> ,	:	Case No. 05-44481(RDD)
	:	
Debtors.	:	(Jointly Administered)

**DECLARATION OF HOWARD NISTA IN SUPPORT OF CLARION
CORPORATION OF AMERICA'S RESPONSE AND OBJECTION TO
DEBTORS' EXPEDITED MOTION TO STRIKE (I) NON-CONFORMING CURE
AMOUNT NOTICES AND (II) IMPROPER OBJECTIONS PURSUANT TO
SOLICITATION PROCEDURES ORDER, CONFIRMATION ORDER, PLAN
OF REORGANIZATION, 11 U.S.C. § 105(a), AND FED.R. BANKR. P. 9010 (the
"NON-CONFORMING CURE NOTICE MOTION" OR "MOTION")**

I, Howard Nista, declare as follows:

1. I am the Director of Corporate Credit for Clarion Corporation of America ("Clarion").
2. Clarion is a California corporation with its headquarters at 6200 Gateway Drive, Cypress, California 90630.
3. I am over the age of 21 years, have personal knowledge of the facts set forth herein, and am competent to testify to the same.
4. I am submitting this Declaration in support of Clarion's Response and Objection ("Response and Objection") to the Non-Confirming Cure Notice Motion filed by the Debtors.

5. Clarion has never had and does not now have offices or facilities in China. In particular, Clarion has no offices or facilities at the address which the Affidavit of Service dated January 8, 2008 [Docket No. 11773] (the "Affidavit of Service") recites as the address to which the original, bar-coded cure notice intended for Clarion was transmitted by the Debtors, which address was: 8F, Gangkou Youqu Center Bureau Xiamen, China 36104.

6. Clarion has an office at 1769 East Lincoln Road, Kokomo, Indiana 46902.

7. Clarion has not been able to confirm whether or not it received the courtesy copy of the Notice of Cure Amount apparently sent to Clarion at 1769 East Lincoln Road, Kokomo, Indiana 46902.

8. Clarion became aware of the existence of the Notice of Cure Amount and the deadlines applicable thereto when it was advised by its counsel that certain Clarion contracts were listed in the documents appended to the Affidavit of Service filed by debtors relative to the transmittal of cure notices to various counterparties.

9. Faced with the looming deadline and the absence of an original notice, Clarion duplicated the form of notice using a notice transmitted to another of the clients represented by Clarion's counsel, prepared a schedule of purchase orders and cure amounts in a format which duplicated the other notices transmitted by the Debtors, and additionally attached the page of Exhibit A to the Affidavit of Service that reflected the transmittal of the cure notice to Clarion's purported, but nonexistent, address in China.

10. Clarion timely filed the cure notice election under the applicable procedures. A true and correct copy of the document filed by Clarion was attached as Exhibit A to Clarion's Response and Objection.


11. Clarion timely filed the duplicate cure notice election in good faith and in order to comply with the established deadlines for such filings, and in order to avoid the necessity for Clarion and the Debtors to expend additional energy rectifying the erroneous address utilized by the Debtors for the original cure notice.

12. Clarion believes that despite whatever nominal “inconvenience” the Debtors may have experienced, Clarion’s handling of the Debtors’ failure effectively to deliver an original cure notice to Clarion was significantly less time-consuming and inconvenient than had Clarion been required to seek a retransmittal of the original notice and an enlargement of the deadline for an election by Clarion with respect to it.

[signature page follows]

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing statements are true and correct.

Executed on February 20, 2008 in Cypress, California.


Howard Nista